

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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No. 07-CIV-3747(PKC)(KNF)

DLJ MORTGAGE CAPITAL, INC.,

Plaintiff,

-against-

SEA BREEZE FINANCIAL SERVICES,  
INC.,

Defendant.

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**DEFENDANT SEA BREEZE FINANCIAL SERVICES, INC.'S**  
**NOTICE OF MOTION AND MOTION TO TRANSFER**  
**PURSUANT TO 28 U.S.C. § 1404(a)**

PLEASE TAKE NOTICE that upon the pleadings and proceedings heretofore had herein, and upon the annexed Declaration of Len Hamilton and the accompanying Memorandum in Support thereof, the undersigned counsel for the defendant will move the Honorable P. Kevin Castel, U.S. District Court Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order transferring this matter from the United States District Court for the Southern District of New York to the United States District Court for the Central District of California (Southern Division) pursuant to 28 U.S.C. § 1404(a).

As more fully described in the accompanying Memorandum in Support, a transfer to the Central District of California would promote the interests of justice and the convenience of the parties and witnesses because the events relevant to this case are centered in California, virtually all non-party witnesses (including almost all of the borrowers of the loans sued upon and former employees of the defendant) are located in California, and none of the relevant events occurred in or involved New York.

WHEREFORE, it is respectfully requested that this Honorable Court transfer this matter, pursuant to 28 U.S.C. § 1404(a), to the United States District Court for the Central District of California (Southern Division).

DATED:       October 5, 2007  
              Framingham, Massachusetts

Respectfully submitted,  
RUBIN, HAY & GOULD, P.C.

**/s/ Rodney E. Gould**

By:

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-and-

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